

BEFORE THE SOUTH CAROLINA BOARD OF EDUCATION

In the Matter of the)	
)	
Suspension of the Educator)	ORDER OF SUSPENSION
)	
Certificate of Thomas P. LaCivita)	
)	
Certificate # 184493)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on July 21, 2004. On January 30, 2003 the State Department of Education (Department) sent Mr. Thomas LaCivita a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate (certificate) by certified mail, return receipt requested delivery restricted to addressee and regular mail. The Department has no proof that Mr. LaCivita received the initial notice. On June 18, 2004 the Department sent another notice by certified mail, return receipt requested delivery restricted to addressee. Mr. LaCivita received this notice as evidenced by a signed postal receipt. He did not request a hearing and is now in default. After considering the evidence presented by the Department, the State Board voted to suspend Mr. LaCivita's certificate until he repays his outstanding loan with the State of South Carolina obtained through the Center for Teacher Education, Recruitment, Retention and Advancement (CERRA).

FINDINGS OF FACT

Mr. LaCivita holds a valid certificate, with over seven years of teaching experience. He was under contract with the Hampton School District (District) for the 2003-2004 school year. On August 22, 2000, Mr. LaCivita signed a promissory note with the State of South Carolina to obtain a loan of \$2300 to pay for the costs of applying for certification from the National Board for Professional

Teaching Standards (NBPTS). One of the terms of that agreement was that Mr. LaCivita agreed to pay a \$300 non-refundable application fee if he withdrew from the application process prior to the submission of the required portfolio to NBPTS. Mr. LaCivita did withdraw prior to that date and has not repaid the \$300. CERRA and the State Department of Education sent several letters notifying Mr. LaCivita of his failure to comply with the terms of the loan agreement.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is substantial evidence supporting its decision to suspend Mr. LaCivita's certificate # 184493 from the date of this Order until he has satisfied his financial obligation in the amount of \$300 to the State of South Carolina as established in the loan agreement referenced above. At the end of the suspension period if Mr. LaCivita wants his certificate reinstated, he may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina
July 21, 2004